McTigue, Jennifer Ann
1050 Bishop Street, Suite 188
Honolulu, Hawaii 96813
Telephone: 808-636-4199
Facsimile: 866-703-2417
Email: jenn.mctigue@gmail.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

Case No: 1:14-cr-00010-HG

UNITED STATES OF AMERICA

DECEDENT PLAINTIFF,

v.

JENNIFER ANN MCTIGUE®,

INFANT DECEDENT DEFENDANT

AFFIDAVIT IN SUPPORT OF OMNIBUS MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION, TERRITORIAL AND LEGISLATIVE JURISDICTION, AND IN PERSONAM JURISDICTION, DUE TO GROSS VIOLATIONS OF PUBLIC POLICY, FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 12(b)(3)(B), AND LOCAL RULE 47; NOTICE OF ALIBI DEFENSE, FRCRP Rule 12.1; NOTICE OF PUBLIC AUTHORITY DEFENSE, FRCRP, RULE 12.3; NOTICE OF DISCLOSURES, FRCRP, RULE 12.4, EXHIBITS 1 THROUGH 11

I, McTigue, Jennifer Ann, being duly sworn under Oath and being of sound mind, of the age of majority, a Competent Fact Witness under the Federal Rules of Evidence Rule 601, with personal knowledge under Rule 602, depose and state the following:

I am judicially noticing this UNITED STATES DISTRICT COURT under Federal Rules of Evidence ("FRE"), Rule 201 the entirety of the following evidence and material facts are not subject to reasonable dispute, are readily verifiable through public and government sources subject to FRE Rule 902 and are supported by this affidavit which the Court has a duty to address each fact, point by point, and on the record under Public Policy of Federal Rules of Criminal Procedure("FRCRP"), Rule 12(b)(2)(d):

1. That I am McTigue, Jennifer Ann, presumed to be doing business as JENNIFER ANN MCTIGUE®, a peaceful inhabitant and Non-resident Alien of the islands of Hawaii, one of the indigenous Native Hawaiian people who never directly or indirectly relinquished claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a "plebiscite or referendum." See Public Policy 103-150 and *Yick Wo v. Hopkins, 118 US 356 (1886).*

2. That the islands of Hawaii were never lawfully acquired as a territory, were not lawfully annexed as a state of the Union of the united States of America but merely incorporated as a sub-charter and franchise of the de facto entity of the United States, a Federal Corporation. The Kingdom of Hawaii was seized through an Act of War by the United States Military as testified to by the Commander in Chief of the Military in Public Policy of 103-150 which states in pertinent part:

> "**To acknowledge** the 100th anniversary of the January 17, 1893 **overthrow of the Kingdom of Hawaii**, and to offer an apology to Native Hawaiians on behalf of the United States **for the overthrow of the Kingdom of Hawaii**." **[emphasis added]**;and
>
> "Whereas, soon thereafter, **when informed of the risk of bloodshed with resistance**, Queen Liliuokalani issued the following statement yielding her authority to the United States Government rather than to the Provisional Government: "I Liliuokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, **do hereby solemnly protest** against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom."
>
> "That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government."
>
> "Now to avoid any collision of armed forces, and **perhaps the loss of life**, I do this **under protest and impelled by said force** yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands.". Done at Honolulu this 17th day of January, A.D, 1893.;

3. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of Public Policy 103-150 attached hereto as **Exhibit 1**, which was obtained by me from the United States Government Printing Office website located at the following URL: http://www.gpo.gov/fdsys/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf, and is not subject to reasonable dispute.

4. That this unlawful military overthrow of the Kingdom of Hawaii violated UN RESOLUTION # 742 VIII, and the UN CHARTER CHAPTER XI DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES, Article 73 which states as follows:

> *Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:*
>
> *a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;*
> *b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;*
> *c) to further international peace and security;*
> *d) to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and*
> *e) to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.*

5. That the UN RESOLUTION # 742 (VIII) provided specific Factors which should be taken into account in deciding whether a Territory is or is not a Territory, whose people have not yet attained a full measure of self-government.

6. That the Kingdom of Hawaii had achieved a full measure of self-government and was not in need of "assistance" from the U.S. Military as a peaceful sovereign kingdom.

7. That the United States of America had recognized the independence of the Kingdom of Hawaii from 1826 until the overthrow in 1893. See Exhibit 1, paragraph 4.

8. That the United States violated the obligations under the UN Charter, a treaty agreement and "supreme law of the land" under Article VI of the US Constitution, is also a violation of the US Constitution itself.

9. That the above violations of PUBLIC POLICY under the UN CHARTER, are further evidenced by the lack of a valid Abdication document signed by Queen Victoria Liliuokalani in Her Royal Capacity as a Prerogative or Royal Assent of the Queen or Monarch, instead was signed with Her Married Name**, Liliuokalani Dominis** [emphasis added], on January 24, 1895 as evidence of her intent to **not** formally give up the royal throne or swear her Oath of Loyalty and allegiance to the Republic of Hawaii by intentionally creating a contractual defect and signing under protest, making it VOID.

10. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of the abdication document attached hereto as **Exhibit 2**, which is maintained in the Hawaiian State Archives, Call Number, DU 627.19 .E53 1895, not subject to reasonable dispute.

11. That due to the unlawful, continual military occupation, without a formal declaration of war, admitted by the Commander in Chief of the Military, McTigue, Jennifer Ann, presumed to be doing business as JENNIFER ANN MCTIGUE®, has been given the presumptive status of alien enemy under the TRADING WITH THE ENEMY ACT OF 1917, Public Law 65-91, 65th Congress, Session I, Chapters 105, 106, October 6, 1917, codified at Title 50 of the United States Code.

12. That in order for the United States to maintain compliance with the 1874 Brussels Conference and the Hague Conventions of 1899 and 1907, the Lieber Code was created out of the Field Code.

13. That due to the provisions of the Lieber Code, Article 31 and 38, which places limits on the seizure of property, title remains in abeyance under military occupation, until the conquest is complete, and creates the methods under a maritime insurance contract to maintain "transaction level" records by the Alien Property Custodian as receipts of indemnity under Article 38. The Lieber Code, Article 31 states:

> *A victorious army **appropriates** all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.*

14. That due to the United State's use of presumed enemy status, McTigue, Jennifer Ann has accepted the open offer of safe harbor and protection established by Public Policy under Title 12, United States Code, Section 95a(2), by Notice of her lawful admiralty **claim for contribution and indemnity,** also establishing indemnity under Lieber Code Article 38, through perfection of an agricultural lien under Delaware UCC filing # 20142958080, and the subsequent assignment # 20142959039 of all reversionary interest To and For the United States as a treaty of peace for acquittance and discharge. Title 12, United States Code, Section 95a(2) states in pertinent part:

> *(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, **made to or for the account of the United States**, or as otherwise directed, pursuant to this section or any rule, regulation, instruction, or direction issued hereunder **shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same**; **and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of**, or in pursuance of and in reliance on, this section, or any rule, regulation, instruction, or direction issued hereunder.[emphasis added]*

15. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of the Authenticated copies of the Public Record attached hereto as **Exhibit 3,** which contains lawful acceptance of 12 U.S.C. § 95a(2) and proof of delivery as a receipt from the Alien Property Custodian by post registry Number EK185876164US, accepted by the United States parties without dishonor or notice of deficiency on July 30, 2014.

16. That my good faith reliance on the open offer of Title 12, U.S.C., Section 95a(2) was founded upon Senate Report 93-549, 93rd Congress, 1st Session, 1973 and is further codified in Public Policy, title 50, Appendix § 7(e) which states in pertinent part:

> ***No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act*** *[sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix].*
>
> > *2) Any payment, conveyance, transfer, assignment, or delivery of money or property made to the alien property custodian hereunder* ***shall be a full acquittance and discharge for all purposes of the obligation of the person making the same to the extent of same****. The alien property custodian and such other persons as the President may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall, in case of payment to the alien property custodian of any debt or obligation owed to an enemy or ally of enemy, deliver up any notes, bonds, or other evidences of indebtedness or obligation, or any security therefor in which such enemy or ally of enemy had any right or interest that may have come into the possession of the alien property custodian, with like effect as if he or they, respectively, were duly appointed by the enemy or ally of enemy, creditor, or obligee. The President shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all courts within the United States. Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner as a power of attorney, and* ***such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States.***

17. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of the Senate Report 93-549, 93rd Congress, 1st Session, 1973, Public Policy, title 50, Appendix § 7(e), the Lieber Code, and Public Policy, Title 12, Section 95a(2) which are not subject to reasonable dispute.

18. That, due to invalid establishment of the occupied territory of Hawaii in 1895, by military overthrow under de facto emergency war powers established in 1861, and now admitted by the Commander in Chief of the United States Military, the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII is operating as a branch of the territorial JUDICIARY COURTS OF THE STATE OF HAWAII, incorporated 1895, is not an Article III § 2 COURT with Judicial Power to hear criminal matters, lacks properly seated Article III Judges, who *ipso facto* lack the appropriate Oaths of Office and Appointments required by the Constitution.

19. That there was no proclamation by the Governor of Hawaii as required by § 6 of Public Policy 86-3, to provide for the holding of a valid primary election and a general election, the officers required to be elected as provided in § 6 were not chosen by the Indigenous people because US Citizens and military personnel manipulated the voting.

20. That due to the failure to lawfully admit a valid state to the Union pursuant to Public Policy 86-3, the transfer of jurisdiction to the district court of the United States retaining original jurisdiction to hear criminal offenses pursuant to 18 U.S.C. § 3231, **has not occurred**, established by factual evidence that the JUDICIARY COURTS OF THE STATE OF HAWAII, incorporated 1895, is doing business as the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII, a territorial admiralty court under 18 U.S.C. § 7.

21. That by the use of this territorial admiralty Court, McTigue, Jennifer Ann, under Local Rule of Admiralty, Rule C.1, has submitted a written undertaking in lieu of the arrest of JENNIFER ANN MCTIGUE®. Attached as **Exhibit 4** is an affidavit of receipt of the written undertaking signed as an indemnity receipt by an agent of this Court.

22. That the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII is a privately owned **STATE** TRADING COMPANY MASQUERADING AS A FEDERAL COURT UNDER THE HAWAII STATE JUDICIARY ACT, using an unregistered Trade Name "THE UNITED STATES DISTRICT COURT CHAMBER OF JUDGE EZRA" established by the use of DUNS NUMBER'S 02-555-2717 and 360705149, SIC CODES 9211, 7338, NAICS NUMBER 922110, and a CAGE CODE 5D4N5, which corresponds to their U.S. Department of Defense Contracting Agent Bank Account.

23. That under the UNITED STATES v CLEARFIELD TRUST COMPANY 318 U.S. 363 and PUBLIC POLICY, this Court is not functioning as a United States Government Entity or Court of the United States but as a private investment corporation subject to my claim of contribution and indemnity as the only claim not in violation of Public Policy.

24. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of the public DUNS REPORT and SYSTEM OF AWARD MANAGEMENT RECORD as **Exhibit 5** in support of these facts which are not subject to reasonable dispute.

25. That these facts are also established by Public Policy Statute Title 28 § 1746(1), which states the phrase "UNITED STATES OF AMERICA" is **without** the United States.

26. That McTigue, Jennifer Ann is "**without the United States"** and holder in due course of an authenticated live birth record and birth Cestui Que Trust situs annexed into United States of America with full faith and credit by Secretary of State, John Kerry.

27. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of the Authenticated Record attached hereto as **Exhibit 6** as evidence of annexation into the United States of America and "without the United States", and as evidence of having achieved age of majority.

28. That there exists no authority or jurisdiction for a **State** Judicial Entity to allow prosecution of a FEDERAL CRIME under Title 18 § 3231.

29. That the use of a Fictitious Plaintiff, the UNITED STATES OF AMERICA in a State Court Judicial Branch doing business as the UNITED STATES DISTRICT COURT DISTRICT OF HAWAII, without transfer of territorial and legislative jurisdiction is a contempt of court, prosecutorial and judicial misconduct.

30. That the Public Policy Statute of Title 18 § 3231 designates that original and exclusive jurisdiction for criminal cases is vested solely in the district courts of the United States, not in a State Court Entity doing business as the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII.

31. That UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII allegedly derives its authority to prosecute offenses for violations of Laws of the United States under H.R. 3190 or Public Law 80-772.

32. That H.R. 3190 or Public Law 80-772, was not voted on or passed by Journal Entries from the votes of both Houses on May 12, 1947 and the 80th Congress, 2nd Session Chapter 645 June 25th, 1948, by a lawful Quorum evidenced by the Congressional Record of 93rd Congressional Record pgs. 5048 and 5049 of May 12th 1947 Chapter 645 at 62 Stat. 683.

33. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of H.R. 3190 or Public Law 80-772, 80th Congress, 2nd Session Chapter 645 June 25th, 1948 and the 93rd Congressional Record pgs. 5048 and 5049 of May 12th 1947 Chapter 645 at 62 Stat. 683, which is concrete and imminent and not hypothetical or conjectural.

34. That the jurisdiction of the UNITED STATES DISTRICT COURTS under PUBLIC POLICY of Title 28, SECTIONS 1331, 1332, and 1333, lists Civil, Admiralty, Maritime, Patent, and Bankruptcy, but does **NOT** list Criminal as an included venue or jurisdiction.

35. That the UNITED STATES which is a Federal Corporation defined by Public Policy of title 28 § 3002 (15), created by the Forty First Congress, Session III, Chapter 61, 62. 1871 CHAPTER LXII, An Act to provide a Government for the District of Columbia February 21, 1871, has only legislative Jurisdiction and Venue over it's territories, possessions and enclaves under Article I § 8, clause 17 of the constitution of the united states from which it derives its power.

36. That the UNITED STATES, a Federal Corporation, has no lawful Authority to create "district courts of the United States" under Article 3, Section 2 with original criminal jurisdiction and venue outside the DISTRICT OF COLUMBIA UNDER Article 1 § 8 Clause 17.

37. That the UNITED STATES DISTRICT COURT is not the appropriate district court of the United States with criminal jurisdiction defined by PUBLIC POLICY of Title 18 § 3231 as established by INTERNATIONAL LONGSHOREMAN'S UNION v. JUNEAU SPRUCE CO., 342 US 237, 96 L. Ed 275 (1952), wherein the court stated:

> *"The words 'district court of the United States of America' commonly describe Constitutional Courts created under this Article III and* ***not*** *the legislative courts of the territories."*

38. That the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII does not have territorial jurisdiction under the Public Policy of Title 18 § 7 or Criminal Rule 12 (b)(2), and is **not** a "district court of the United States" under Article III § 2 and may not preside over criminal offenses under Public Policy of Title 18 § 3231.

39. That the Supreme Court has stated in *BALZAC v. PORTO RICO, 258 US 298, 66 L. Ed. 627(1922)*:

> *"...the United States District Court is not a true United States Court established under Article III to administer the raw Judicial Power of the United States therein conveyed, it is created by virtue of the sovereign Congressional faculty, granted under Article IV, Section III, of that instrument, of making all needful rules and regulations respective of territory belonging to the United States."*

40. That the prosecution has failed its burden to establish the *locus in quo* and *locus criminis*, without which jurisdiction is lacking. *Balzac v. Porto Rico, 258 U.S. 298 (1922).*

41. That the Constitution gives but one means of Federal acquisition of legislative jurisdiction under Article I, Section 8, Clause 17 which states:

> *To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;-*

42. That the Federal Government cannot by unilateral action acquire legislative jurisdiction over the areas of the islands of Hawaii or within the exterior boundaries of a de jure and lawfully established state of the Union. *United Transportation Union v. I.C.C., 891 F. 2d 908(1989).*

43. That it is the **burden of the prosecution** to prove territorial jurisdiction over an alleged crime in order to sustain a conviction therefore. *UNITED STATES v. BENSON, 495 F.2d 475 (5th Cir. 1974)*

44. That this **is a Case of first impression** which directs this Court to the merits **established herein by facts** and also relates back to the legislative enactment of the Public Policy of title 18 § 3231 under Article 1 § 8 Clause 17 of the constitution of the united states, which has not been adjudicated or ruled upon by a court of competent jurisdiction or by the supreme court of the united states for the district of Columbia.

45. That the District of Columbia was re-incorporated in 1872, and all states in the Union were reformed as Franchisees of the Federal Corporation so that a new Union of the United States could be created.

46. That thereafter additional States were created as franchisees of the Federal Corporation, United States, through enabling acts and other iterations intentionally usurping the confines of Article 1 § 8, Clause 17 to expand the Federal Jurisdictional limitations subject ONLY to consensual contract **which is hereinafter withheld**.

47. That in the 1898 a speech was given and documented by the Historical Society of the District of Columbia titled "Efforts to Obtain a Code of Laws for the District of Columbia" by the Honorable Walter S. Cox ("Justice Cox") Supreme Court Justice of the supreme court of the District of Columbia stating that the Statutes at Large were Revised, by COMMISSIONERS and ATTORNEYS without any Legal Authority whatsoever creating "A Territorial Government" under the Revised Statues of 1874 as the UNITED STATES CODES ANNOTATED 1-50 revised;

48. That I am requesting judicial notice under FRE Rule 201 and Rules 901 through 903 that the document attached as **Exhibit 7** is an Official Document of the District of Columbia Code and is self authenticating and not subject to reasonable dispute;

49. That the Honorable supreme court of the District of Columbia Justice, Walter S. Cox, stated:

> *"ORGANIC ACT OF 1871 ESTABLISHING A GOVERNMENT WAS REPEALED. The concluding paragraphs of each virtually repeal every part of any act of congress passed before December, 1873, which is not included in this collection, and the whole is enacted into law, as the body of the statute law of the United States, under the title of "Revised Statutes," as of the date June 22, 1874." Page 128*

"It is well known that in the very same year in which this collection was published by authority of Congress, containing the law establishing the territorial government of the District, an act was passed abolishing that government and establishing a Board of Commissioners; for governing, temporarily, the financial affairs of the District."

50. That the Honorable Justice Cox further stated:

"Without having any express authority to do so, they [the Commissioners] made a separate revision and collection of the acts of Congress relating to the District, besides the collection of general statutes relating to whole United States. Each collection was reported to Congress, to be approved and enacted into law. The concluding paragraphs of each virtually repeal every part of any act of Congress passed before December 1873, which is not included in this collection, and the whole is enacted into law, as the body of the statute law of the United States, under the title of" Revised Statutes," as of the date June 22, 1874."

51. Justice Cox continued to outline the invalidity when he stated:

"It did not, however, profess to introduce anything new and cannot, therefore, be treated as a code in the sense in which I employ that term. It was approved by the Court, as the statute required, simply because it was considered a correct compilation, and no errors were pointed out, but it never received any recognition, approval, or indorsement by Congress, like the Revised Statutes of 1874; so ***that it is nothing more as authority than the work of a private compiler of existing laws and is not reenacted by Congress as the existing law****."*

52. That there exists no evidence that Public Policy Titles 1 through 50 have any territorial or legislative effect or power outside of the ten square miles of the District of Columbia or on military installations, that the compilation of laws titled Revised Statutes of 1874 are not law for the United States of America, and that more specifically the provisions of Title 18, having never been voted into law by a proper quorum, do not apply to McTigue, Jennifer Ann or this Case outside of the District of Columbia. Public Policy Title 18 § 5, clearly establishes that offenses under Title 18 are "territorial".

EVIDENCE OF PROSECUTORIAL AND JUDICIAL MISCONDUCT & VINDICTIVE PROSECUTION

I. Failure in the indictment, failure to impanel a grand jury, contempt of court

53. That the various parties to this action have participated in gross acts of prosecutorial and judicial misconduct in violation of the limitations placed upon them by Article 1 § 8, Clause 17 of the Constitution of the United States of America as de facto Judicial Officers.

54. That the fictitious Indictment filed with the UNITED STATES DISTRICT COURT on the Third (3rd) Day of January, 2014 under Case Number 14-00010 was not issued by a properly impanelled Grand Jury in violation of the Public Policy FRCRP, Rule 6.

55. That the fictitious Indictment filed with the UNITED STATES DISTRICT COURT on the Third (3rd) Day of January, 2014 under Case Number 14-00010 was not signed by the foreperson of the Grand Jury in violation of the Public Policy FRCRP, Rule 6(c).

56. That the fictitious Indictment filed with the UNITED STATES DISTRICT COURT on the Third (3rd) Day of January, 2014 under Case Number 14-00010 was not returned into open court by the Grand Jury in violation of the Public Policy FRCRP, Rule 6(f).

> *(f) Indictment and Return. A grand jury may indict* ***only if at least 12 jurors concur****. The grand jury—or its foreperson or deputy foreperson—****must*** ***return the indictment to a magistrate judge in open court****. To avoid unnecessary cost or delay, the magistrate judge may take the return by video teleconference from the court where the grand jury sits. If a complaint or information is pending against the defendant and 12 jurors do not concur in the indictment, the foreperson must promptly and in writing report the lack of concurrence to the magistrate judge.[emphasis added]*

57. That "open court" is defined in *Black's Law Dictionary, Sixth Edition as follows:* ***Open court****. Common law requires a trial in open court; "open court" means a court to which the public have a right to be admitted. People v. Rose, 82 Misc.2d 429, 368 N.Y.S.2d 387, 390.*

58. That a properly impanelled grand jury has failed to return a signed Administrative Office Form 190 ("AO 190") also known as RECORD OF THE NUMBER OF GRAND JURORS CONCURRING IN AN INDICTMENT, indicating there exists no record of the required number of 12 jurors having concurred on the fictitious Indictment.

59. That the fictitious Indictment lacks fact testimony under PUBLIC POLICY FRE, Rule 603, from a competent Fact Witness under FRE Rule 601 as an injured party with personal knowledge under FRE Rule 602, nor was there any testimony or evidence presented to a properly impanelled grand jury.

60. That the fictitious Indictment fails to establish the *locus criminis* through testimony by a competent fact witness to the alleged crime taking place inside the territorial and legislative jurisdiction of the District or establish a proper Venue, or Subject Matter Jurisdiction and cannot invoke the jurisdiction of the UNITED STATES DISTRICT COURT in lieu of a district court of the United States under PUBLIC POLICY Title 18 § 3231.

61. That the fictitious Indictment does not identify or contain a corpus delecti, victim, or injured party under the PUBLIC POLICY Title 18 § 3663, FRCRP, Rule 60, and fails to state an offense or crime under the PUBLIC POLICY FRCRP, Rule 12(3)(B).

62. That The Indictment contains a Fictitious Plaintiff THE UNITED STATES OF AMERICA who is *Civiliter Mortuus* or Civilly Dead and whose property is administered as a trust-fund for the benefit of its stockholders and creditors, including McTigue, Jennifer Ann and claimant of contribution and indemnity.

63. That the use of a fictitious plaintiff is a contempt of court. The UNITED STATES OF AMERICA does not have the Capacity or Standing to prosecute or make a claim.

64. That the UNITED STATES OF AMERICA has been in a declared state of Insolvency or bankruptcy under Title 11 § 101 (32) of the Public Policy of June 5, 1933 as a Debtor in possession under the Public Policy of Title 11 of chapter 11 §§ 502(a), 509 (a) (A), 510(a) under a "Consent Receivership" as a "Voluntary Assignment" under a Subordination Agreement as a Notice of a Public-Authority Defense and Title 11 § 544(b) as a Reorganization acting as a Trustee to the Bankrupt Estate under the Public Policy Law of Chapter 48 , 48 stat. 112 [73rd Session Of Congress June 5th, 1933] also House Joint Resolution 192 48 Stat. Chapter 48 page 112 of June 5, 1933.

TITLE 11 § 101(32) The term "insolvent" means--

(A) with reference to an entity other than a partnership and a municipality, financial condition such that the sum of such entity's debts is greater than all of such entity's property, at a fair valuation, exclusive of…

65. That the sworn statements of Unregistered Foreign Agent, Ken Sorenson, dated the Seventh (7th) Day of January, 2014 in his DECLARATION OF KENNETH M. SORENSON, Paragraph 2, and filed in Case Numbers 14-0029 BMK, 14-0030 BMK, 14-0031 BMK, 14-0034 BMK, 14-0035 BMK, 14-0036 BML, 14-0038 BMK, 14-0047 BMK, 14-0048 BMK, 14-0049 BMK, 14-0050 BMK **admits** in the open public record that the matters have not been presented to the grand jury for indictment under PUBLIC POLICY of FRCRP, Rule 6(f) as follows:

*"I am informed and believe that said investigation is ongoing and will continue beyond the date of service of the warrant and filing of the return thereon **until the matter is presented to the grand jury for indictment** or other disposition." [emphasis added]*

66. That the **admission**, made under penalty of perjury and the provisions of FRCP Rule 11, of Kenneth M. Sorenson on the Seventh (7th) Day of January, 2014 provides **clear and convincing evidence** for mandatory judicial notice under FRE Rule 201 and FRE Rule 1007, that **no** grand jury was impaneled to return an indictment under PUBLIC POLICY of FRCRP, Rule 6(f), on the Third (3rd) Day of January, 2014.

67. That the indictment recorded with the Court on the Third (3rd) Day of January, 2014 was unlawful, a fraud and contempt of court, and led to the unlawful arrest of JENNIFER ANN MCTIGUE® and the unlawful seizure of property.

68. That the **admission**, under oath, of Kenneth M. Sorenson on the Seventh (7th) Day of January, 2014 of his failure to impanel and make presentment to a grand jury is a flagrant violation of the limitations placed upon the de facto prosecution by the Fourth, Fifth and Sixth Amendments to the Constitution. The Fifth Amendment states:

> *No person shall be held to answer for a capital, or otherwise infamous crime, **unless on a presentment or indictment of a Grand Jury**, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

69. That McTigue, Jennifer Ann has established evidence of the failure to impanel a grand jury, Illegal selection or organization of the grand jury, disqualification of individual grand jurors, presence of unauthorized persons in the grand jury room, other irregularities in grand jury proceedings, defects in indictment or information other than

lack of jurisdiction or failure to state an offense has been established and are subject to challenge under PUBLIC POLICY Title 28 § 1867(a).

70. That these defenses and objections have not been waived, and the United States has failed to, and refuses to, provide evidence pursuant to 28 U.S.C. § 1867(f) as requested in January of 2014 with second request made August 20, 2014.

71. That the actions of Nick Baron and Kenneth M. Sorenson constitutes Prosecutorial and Judicial Misconduct, subject to the dismissal of the indictment by way of Public Policy, Federal Rules of Criminal Procedure, Rule 12(b)(3)(A).

72. That the fictitious and colorable "Indictment", has never been certified under oath into the record as called for by McTigue, Jennifer Ann on July 22, 2014, has never been returned in open court pursuant to Public Policy and the Fourth, Fifth and Sixth Amendments, and violates FRCRP, Rules 6, 7, 12 and 60, Public Policy Title 18 § 3663, PUBLIC POLICY Title 28 § 1867(e).

73. That failure to certify the fictitious "Indictment" on the record as called for by McTigue, Jennifer Ann on July 22, 2014 was a flagrant violation of the Sixth Amendment to the Constitution which states:

> *74. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law,* ***and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him****; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.[emphasis added]*

75. That the act of demanding the charges be certified on the record caused Judge Barry M. Kurren to admonish McTigue, Jennifer Ann for asserting her unalienable rights and demanding to be properly informed of the charges and to face her accuser.

76. That the actions of Judge Barry M. Kurren in advocating for the de facto prosecution are open and ongoing violations of the limitations placed upon him by the Fourth, Fifth and Sixth Amendments exposing further judicial misconduct.

II. Evidence Of Unlawful Search And Seizure

77. That Nick Baron, without involvement of the United States Attorney, delivered a subpoena(s) to obtain the private electronic communications of McTigue, Jennifer Ann in violation of PUBLIC POLICY Title 18 § 2703(b)(1)(A) and 2703(b)(1)(B) and the Fourth Amendment, without notice in violation of PUBLIC POLICY Title 18 § 2705.

78. That **no notice** has ever been provided to McTigue, Jennifer Ann as required by PUBLIC POLICY Title 18 § 2703(b)(1)(B) or § 2705 making the subpoena invalid, all evidence obtained unlawfully, and fruit of the poisonous tree.

79. That the unlawful search and seizure was in violation of the Fourth Amendment and PUBLIC POLICY Title 18 § 2711 which requires a warrant to be issued by a "court of competent jurisdiction" defined as follows:

> *(3) the term "court of competent jurisdiction" includes—*
> *(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—*
> *(i) has jurisdiction over the offense being investigated;*
> *(ii) is in or for a district in which the provider of a wire or electronic communication service is located or in which the wire or electronic communications, records, or other information are stored; or*
> *(iii) is acting on a request for foreign assistance pursuant to section 3512 of this title; or*

80. That the UNITED STATES DISTRICT COURT lacks jurisdiction to issue warrants, and no warrant has issued from an ARTICLE III § 2, district court of the United States, violating PUBLIC POLICY and the Fourth Amendment.

81. That all evidence obtained by grand jury subpoena, without mandatory **notice not to exceed 90 days**, or a valid warrant issued by the only court of competent jurisdiction, a "district court of the United States", is fruit of the poisonous tree and must be suppressed. *Silverthorne Lumber Company v. United States, 251 U.S. 385 (1920)*

82. That Nick Baron used the fruit of his unlawful seizure to further his prosecutorial misconduct and vindictive prosecution, and to induce further Judicial Misconduct.

83. That the AGENT'S AFFIDAVIT IN SUPPORT OF SEIZURE WARRANT ("Affidavit") prepared and signed by Nick Baron on the Seventh (7^{th}) Day of January, 2014 to obtain property Seizure Warrants, lacks evidence of competent fact testimony made under oath in violation of the Fourth Amendment of the Constitution.

84. That testimony given in the presence of Magistrate Judge Barry M. Kurren for the improper venue UNITED STATES DISTRICT COURT, was derived from the fruit of an unlawful and unconstitutional seizure, was not taken on the record, and the Court failed to produce the transcript or recording to the clerk in violation of Public Policy FRCRP, Rule 41(d)(2)(c).

85. That Nick Baron, an alleged FBI AGENT is an Unregistered Foreign Agent who is not a citizen of the united states nor is he a Government Agent or Employee of the United States, who lacks authority to act on behalf of Plaintiff THE UNITED STATES OF AMERICA with an Oath of Office under THE PUBLIC POLICY of Title 22 §§ 611 (b)(1)(c) (1) (i)-(iv) and 612, is exceeding his authority under His Mission Statement, and His unsworn Testimony is based on incompetency under Federal Evidence Rules 601, lacks Personal Knowledge under Rule 602, unsworn statements or affidavits, Rule 603.

86. That the testimony of Nick Baron is Hearsay under Federal Evidence Rule 801, 802, does not fall within the Hearsay Exception of Rule 803, and is Hypothetical and Conjectural, based upon unfounded legal conclusions without authority or determination by a court, is based upon facts not in evidence and is not admissible as evidence under the PUBLIC POLICY Federal Rules of Evidence.

87. That the witness statement is without competent fact testimony under FRE Rule 601, lacks first hand knowledge of an injured party under FRE Rule 602, and is not sworn testimony as required by the Fourth Amendment which states:

> *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause,* ***supported by oath or affirmation****, and particularly describing the place to be searched, and the persons or things to be seized. [emphasis added]*

III. Evidence of Vindictive Prosecution

88. That Nick Baron has vindictively singled out McTigue, Jennifer Ann to harass, intimidate and to unlawfully seize her private property while not seizing the property of Defendant SAKARA BLACKWELL in a similar manner.

89. That Nick Baron, on August 19, 2013, violated my privacy by appearing at my house in an attempt to ask questions and to intimidate me into surrendering my unalienable rights, violating the limitations placed upon him by the Fifth Amendment.

90. That I exercised my unalienable rights not to be compelled to answer the questions of Nick Baron and informed him that he was operating outside of his territorial and legislative jurisdiction and His Mission Statement.

91. That Nick Baron responded by threatening me that if I did not cooperate he *"would return in the middle of the night to put me in chains in front of my young children"*, an act of intimidation and coercion outside the limitations placed upon him by the Fifth Amendment and His Mission Statement.

92. That Nick Baron used the action of exercising of my unalienable rights as reason to vindictively humiliate me through public ridicule, abusive arrest and seizure in violation of Public Policy and in a manner inconsistent in how they dealt with Defendant SAKARA BLACKWELL.

93. That Nick Baron eventually followed through with his promise by unlawfully seizing McTigue, Jennifer Ann, **under mistaken identity**, instead of JENNIFER ANN MCTIGUE® and the contents of my house on January 8, 2014 through a warrant obtained by the fictitious Indictment and the fruits of the previous unlawful seizure.

94. That my request to change my clothes and brush my teeth before being taken into custody was denied when Nick Baron stated: *"You don't get to do anything. I told you this day was coming and you refused to talk to me. "*

95. That the statement made by Nick Baron was his direct admission that by exercising my unalienable rights and informing him of the limitations placed upon him by the Fifth Amendment, he chose to subject me to torture, humiliation and ridicule.

96. Nick Baron continued with his unconstitutional verbal abuse and ridicule, attempting to coerce me in violating my unalienable rights and his limitations of the Fifth Amendment during the arrest on January 8, 2014 when he stated:

"You need to tell me the truth! You need to tell me the truth! You are lying."

97. That Nick Baron was once again notified by me that he was in possession of exculpatory evidence that I had given to him proving that the Instruments were valid and had been accepted and used by the bank parties, as evidence of indemnity.

IV. Secreting Exculpatory Evidence and Notice of a Disclosure Statement under Public Policy, Federal Rules of Criminal Procedure, Rule 12.4.

98. That the United States Department of Justice is responsible for oversight of the United States Standard General Ledger ("USSGL"), which must be maintained at a "transaction level" pursuant to Office of Management and Budget ("OMB") Circular A-127, and Lieber Code Article 38, and contains exculpatory evidence in defense of the allegations couched as unfounded legal conclusions made by Nick Baron.

99. That I, McTigue, Jennifer Ann, Judicially Notice the UNITED STATES DISTRICT COURT and the UNITED STATES ATTORNEY GENERALS OFFICE that the USSGL contains all transaction level records of the United States Government and all agencies thereof, inclusive of the United States Treasury and Federal Reserve, and includes the Money Net Daily Transaction Log Report which are readily accessible by the DOJ and have been used by the DOJ in other matters. Newby v. Enron Corp. SEE [In re Enron Corp. Sec. Derivative & "ERISA" Litig.), 529 F. Supp. 2d 644 as Part of Enron Taskforce posted on U.S. ATTORNEY GENERAL WEBSITE INVOLVING MONEY NET DAILY TRANSACTION LOG REPORTS showing the Source and Target Banks that Funded the Enron Scandal].

100. That the USSGL records contain audit trails and accounting cross-walks to the Money Net Daily Transaction Log Reports to reflect the source of funds for each of the alleged transactions involving the original escrows by the prior owners, the transaction records of the instruments tendered by McTigue, Jennifer Ann, and the transaction records of the use of the instruments by the lending institution parties.

101. That the information in the Money Net Daily Transaction Log Reports and USSGL sub accounts, directly contradicts the incompetent fact testimony of Nick Baron that the properties are encumbered by valid liens and obligations. SEE [In re Enron Corp. Sec. Derivative & "ERISA" Litig.), 529 F. Supp. 2d 644 as Part of Enron Taskforce posted on U.S. ATTORNEY GENERAL WEBSITE INVOLVING MONEYNET DAILY TRANSACTION LOG REPORT, showing the Source and Target Banks that Funded the Enron Scandal. U.S.

102. That the ATTORNEY GENERAL and the Fictitious Plaintiff the UNITED STATES OF AMERICA is required by U.S. PATRIOT ACT to reveal the source of the funds by filing Currency Transaction Reports, Currency and Monetary Instrument Transportation Forms CMIR's under §§ 5311 et seq. of 31 U.S.C. of THE BANK SECRECY ACT and 31 CFR § 103.11 regulations et seq., under the U.S. PATRIOT ACT and SEC Rule 17a-3, 17a-4, 17a-5, 17a-6, 17a-7, which applies to all broker-dealers, incorporates the requirements of the Bank Secrecy Act to file reports and maintain records showing the source of the funds that allegedly funded and perfected the Mortgage Loan Applications, Promissory Notes and securing The Homeowners Real Property under the subject Mortgages.

103. That the United States is responsible for the transaction level oversight of all financial institutions by and through various regulatory agencies and maintains in its possession exculpatory evidence that no injured party or victim can be proven.

104. That Nick Baron was provided exculpatory evidence that Instrument # 13082370 was accepted, endorsed and pledged by Wells Fargo into a US Government Sponsored Enterprise, Fannie Mae REMIC Trust # 2013-84, Class CS, CUSIP # 3136AF5P5, on or before July 31, 2013. These records are in the custody and control of a US Government sponsored enterprise and discoverable.

105. That the United States is in possession of evidence that the supervisory agent of Nick Baron, an agent by the name of Kepa, reviewed the administrative process and instruments in question prior to the submission to the banking institutions.

106. That Kepa informed government witness Marshal Wells it was civil process, not criminal conduct and that he was safe to submit the administrative process.

107. The United States has ratified the administrative process, which Nick Baron calls "bogus" in his incompetent testimony, with intent to vindictively prosecute McTigue, Jennifer Ann for not surrendering her unalienable rights.

108. That such activity by agents of the United States constitutes estopple by entrapment with knowledge to prevent injury by the Government.

CLAIM OF CONTRIBUTION AND INDEMNIFICATION AS AFFIRMATIVE DEFENSE

109. That McTigue, Jennifer Ann presumed to be doing business as JENNIFER ANN MCTIGUE® is making her claim, as an Affirmative Defense, for Contribution and Indemnity by Express Contract or Subordination Agreement UNDER Title 11 § 510(a) of the united states bankruptcy code under Maritime Law as a Maritime Lien for underwriting and indemnifying UNITED STATES OF AMERICA as a Company, Corporation under a Maritime and Marine Insurance Policy # 576176974 as that term is defined in PUBLIC POLICY Title 15 § 77b, and 15 U.S.C. § 77b SUBSECTION (5).

110. That the claim or affirmative defense of Contribution and Indemnity is a Admiralty Maritime claim under the PUBLIC POLICY Title 18 § 2113 and 3231, 28 § 1333, and Title 11 §§ 502 (a), 509 (a) (A), 510(a) by Express Subordination Agreement with WELLS FARGO BANK N.A., et al, whose exclusive jurisdiction is with district courts of the united states as set forth in PUBLIC POLICY Title 28 § 1333.

111. That this Case, in both Substance and by The Economic Realty Test, is a contract or scheme for 'the placing of capital or laying out of money in a way intended to secure income or profit from its employment as an Investment contract with it being memorialized and subscribed to by McTigue, Jennifer Ann presumed to be doing business as JENNIFER ANN MCTIGUE® under the Hawaii Statute of Frauds, Haw. Rev. Stat. § 656(1) as the "underwriter" as defined at Title 15 § 77(b).

112. That the money derived from this Case is deposited into the International Monetary Trust Fund by Special Drawing Rights, Under Article XV giving to McTigue, Jennifer Ann Special Drawing Rights under UNIDROIT as the supreme law of the land as an Express Contract acting as the Indemnitor, Surety and Underwriter for the Plaintiff UNITED STATES OF AMERICA under Title 15 U.S.C. § 77b subsection (5).

113. That the UNITED STATES OF AMERICA is a COMMERCIAL ENTITY D/B/A/ as a CORPORATION AND COMPANY and using Revenue generated from the Legal Estate of McTigue, Jennifer Ann presumed to be doing business as JENNIFER ANN MCTIGUE® with a Company or fund name, ticker symbol, U.S. CIK #: (see all company filings) SIC: 8888 - FOREIGN GOVERNMENTS State location: DC | Fiscal Year End: 0331N (Assistant Director Office: 99) (Central Index Key), file number, state, country, or SIC (Standard Industrial Classification).

114. That the United States acting in its Commercial Capacity under the Clearfield Doctrine [Clearfield Trust Co. v. United States, 318 U.S. 363 (1943)], has waived all Sovereign and Judicial Immunity and Royal Assent and is subject to the same Commercial Regulations and Standard as all other Commercial Entities. Under the Constitution of the UNITED STATES this is the SUPREME LAW OF THE LAND.

NOTICE OF AN ALIBI DEFENSE UNDER PUBLIC POLICY FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 12.1.

115. That McTigue, Jennifer Ann presumed to be doing business as JENNIFER ANN MCTIGUE®, judicially Notices this COURT under Federal Rules of Evidence 201 that the fictitious Indictment fails to establish, by competent fact witness to the alleged crime, the Venue, Place or District [District of Columbia] or Territory in which the Decedent/Defendant JENNIFER ANN MCTIGUE® committed the de Facto Offense alleged in the fictitious Indictment under PUBLIC POLICY Title 18 §§ 7 and 3231.

116. That Rule 12.1(b) requires the Fictitious Plaintiff the UNITED STATES OF AMERICA disclose witnesses who actually placed the decedent/defendant JENNIFER ANN McTIGUE® at the scene of the crime and witnesses who are used solely to impeach credibility of defendant's alibi witnesses. United States v Myers (1977, CA5 Fla) 550 F2d 1036, 1 FRE Serv 1389, 42 ALR Fed 855.

NOTICE OF A PUBLIC-AUTHORITY DEFENSE, FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 12.3.;

117. That McTigue, Jennifer Ann presumed to be doing business as JENNIFER ANN MCTIGUE® judicially Notices this COURT under Federal Rules of Evidence 201 and USCS Fed Rules of Criminal Procedure Rule 12.3 and under the Public Policy Laws of the Bankruptcy Code Title 11 § 502 (a) 509 (a) (A), 510(a) Subordination Agreement as a Notice of a Public-Authority Defense, on the dates of; June 05, 1933, 09/26/2012, 10/26/2012, 10/29/2012 03/13/2013, 01/09/2014, McTigue, Jennifer Ann presumed to be doing business as JENNIFER ANN MCTIGUE® was coerced through extortion to act on behalf of FBI AGENT NICK BARON, U.S. ATTORNEY GENERALS

OFFICE, the fictitious Plaintiff UNITED STATES OF AMERICA, WELLS FARGO BANK N.A., BANK OF AMERICA, U.S. BANK and MERS et al. under Suretyship or Subordination Agreements/Contracts in the COURT RECORD as a NOTE TENDER AGREEMENT, EFT TENDER AGREEMENT or MORTGAGE DEBT SATISFACTION AGREEMENT by NICK BARON in HIS UNSWORN AFFIDAVIT OF PROBABLE CAUSE to support an arrest and seizure warrant.

118. That the surety and indemnity is drawn on and under a Marine Insurance Policy and Account # 576176974 to Indemnify the Bankrupt/Insolvent debtors FBI AGENT NICK BARON, U.S. ATTORNEY GENERAL OFFICE, THE UNITED STATES OF AMERICA, WELLS FARGO BANK N.A., BANK OF AMERICA and MERS et al. ("Debtors") by Subrogation as a Principal to the Debtors as Debtors in possession under the Public Policy of a Chapter 11 Reorganization, and are acting as Trustees to THEIR BANKRUPT ESTATE under substantive Trust Law.

119. That the counterfeiting and unauthorized use of JENNIFER ANN MCTIGUE® as surety and underwriter in all matters of this Case, is a direct civil and criminal violation of intellectual property rights registered with the United States of America Patent and Trademark Office under Registration Number 4,592,712 and Serial Number 86176425. Attached hereto as **Exhibit 8** is the CERTIFICATE OF REGISTRATION for judicial notice under FRE Rule 201 and 902.

120. That all parties have waived their immunity under PUBIC POLICY Title 15 § 1122 which states:

> *(a) Waiver of sovereign immunity by the United States*
> *The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, shall not be immune from suit in*

Federal or State court by any person, including any governmental or nongovernmental entity, for any violation under this chapter.

DISCLOSURE STATEMENTS UNDER PUBLIC POLICY FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 12.4

121. That McTigue, Jennifer Ann presumed to be doing business as JENNIFER ANN MCTIGUE® judicially Notices this de facto COURT under FRE 201 and Federal Rules of Criminal Procedure, Rule 12.4 of the following Disclosure Statements;

122. That the fictitious Indictment fails to identify a Victim who was harmed under PUBLIC POLICY Title 18 § 3663 (a)(2).

123. That the fictitious Indictment fails to establish territorial and legislative jurisdiction over the alleged criminal conduct by failure to establish an injury to a federal banking institution and fails to include a financial statement which identifies WELLS FARGO BANK N.A., et al as Federally Chartered Banks with current FDIC Insurance as of the date of the offense under the Public Policy of title 12. *United States v. Maner, 611 F.2d 107(1980) at 112, UNITED STATES v. PLATENBURG, 657 F. 2d 797 (5th Cir. 1981); UNITED STATES v. TREVINA, 720 F.2d 395 (5th Cir. 1993)*

124. That the Courts recognized this "*lack of sufficient proof compels reversal and dismissal of indictment, not just remand for a new trial with better evidence." Maner Id.*

125. That the Courts *"have difficulty comprehending why the GOVERNMENT repeatedly fails to prove this element more carefully since the GOVERNMENTS burden is so simple and straightforward, as in the other cases we have discussed, the GOVERNMENT treads perilously close to reversal and may soon find itself crossing the line from sufficiency to insufficiency."Maner Id.*

126. That the Courts "*often despair at repeatedly calling trial courts' attention to the necessity of not repeating again and again an action we often hold to be in error.*" *UNITED STATES v. CHIANTESE, 546 F.2d 135 (5th Cir. 1977)*

127. That WELLS FARGO BANK NA, et al are DEBTORS/SELLERS under Haw. Rev. Stat. §490:1-201, §490:9-201, §490:9-203 and §490:9-318 of Article 9 of Hawaii Uniform Commercial Code and are not Creditor Lenders under PUBLIC POLICY;

128. That no evidence exists identifying alleged victims WELLS FARGO BANK N.A., et al. as Financial Institutions or Banking Institutions who lend money under the National Bank or Currency Act of June 3rd, 1864 § 8, codified under PUBLIC POLICY Title 12 § 24 paragraph 7.

129. That exculpatory evidence exists that WELLS FARGO BANK, NA accepted, indorsed, ratified, and Negotiated the alleged "Bogus" Instrument to Fannie Mae, who transferred into the Fannie Mae REMIC Trust 2013-84, more specifically in Class CS, under the referenced CUSIP identifier Number 3136AF5P5.

130. That alleged bank victim, Nationstar Mortgage LLC and US BANK fail to allege an injury by Waiver of Interest and Default Non Response, Hawaii Civil Case Number 13-1-3305-12(GWBC), and intentionally failed to provide evidence of claim in relation to a property sold by McTigue, Jennifer Ann to alleged prosecution witnesses, Mark and Lisa Rurak. None of the parties have been injured as evidenced by intentional waiver.

131. That exculpatory evidence exists under the Company Investment Act of 1940 § 8 (b), Attached hereto as **Exhibit 9** a Statement of Financial Condition for judicial notice under FRE Rule 201, WELLS FARGO BANK N.A. is fraudulently concealing its utilization of the Trade Name of WELLS FARGO SECURITIES LLC demonstrating that

a private contract exists with Wells Fargo Securities LLC to participate in acts of conversion and fraud upon the United States.

132. That I have demonstrated a material fact issue, that is concrete and imminent under Federal Rules of Evidence 601, 602 and 603 that WELLS FARGO BANK NA is doing business as WELLS FARGO SECURITIES LLC, an Investment Company, as stated by their own attorney in their statement of financial condition under section 8 (b) of the Company Investment Act of 1940.

133. That I obtained Exhibit 9 from WELLS FARGO BANK, NA's website, FORM 3, N-2 FORM FILED with the S.E.C. and the Statement of Financial Condition filed with S.E.C. under § 8(b) of the Holding Company Act of 1940, and these are Official Documents of the S.E.C. and are Self Authenticating Documents under FRE Rules 901, 902 and 903 for Judicial Notice under FRE Rule 201.

134. That therefore McTigue, Jennifer Ann presumed to be doing business as JENNIFER ANN MCTIGUE® has a Subordination or Express Contract agreement with WELLS FARGO SECURITIES LLC upon which her claim is based.

135. That WELLS FARGO BANK, NA is doing business under the trade name of WELLS FARGO SECURITIES LLC.

136. That WELLS FARGO BANK NA is an insolvent and Bankrupt Investment Company disguising itself as a Bank to participate in acts of conversion, disguising its alleged banking operations as a lending Institution, that lends credit to Homeowners to refinance or Purchase Real Estate when no where in the National Bank Act of June 3, 1864 § 8 codified to title 12 § 24 paragraph 7 from which WELLS FARGO BANK A/K/A

allegedly derives its lending power does it authorize the lending of its credit as consideration to support a contract.

137. That McTigue, Jennifer Ann has made her INTERNATIONAL NOTICE OF ELECTION NOT TO BE RECOGNIZED AS A PERSON BEFORE THE LAW AND TERMINATION OF SURETY AND UNDERWRITING in conformity with her unalienable right of self determination under International Law and the terms of the United Nations Charter, which is the supreme law of the land.

138. Attached hereto as **Exhibit 10** for judicial notice under FRE Rule 201 and 902 is an authenticated copy of the Notice, which is not subject to reasonable dispute.

139. That under the ***International Covenant on Civil and Political Rights*** ("ICCPR"), Article 1, paragraph 1, states:

> *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

140. That McTigue, Jennifer Ann has elected NOT to be recognized as a 14th Amendment Citizen.

141. That the ***International Covenant on Civil and Political Rights*** ("ICCPR"), Article 16, states:

> *Everyone shall have the right to recognition everywhere as a person before the law.*

142. That the United Nations Charter, Article 8 states:

> *The United Nations shall place no restrictions on the eligibility of **men and women** to participate in any capacity and under conditions of equality in its principal and subsidiary organs.*

143. That the ***International Covenant on Civil and Political Rights*** ("ICCPR"), Article 11, states:

> No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

144. That the UNITED STATES OF AMERICA, including the de facto administrative entity UNITED STATES, a.k.a UNITED STATES GOVERNMENT are responsible for the perpetual insolvency and continual reorganization of the bankruptcy under PUBLIC POLICY Chapter 48, 48 Stat. 112, recorded in the 73rd Congress, which removed all ability to perform on contracts through removal of lawful money as a form of payment resulting in a violation of the ICCPR, Article 11.

145. That the inability of McTigue, Jennifer Ann to stand as surety and indemnity party of the unlawful charges levied against JENNIFER ANN MCTIGUE® must be recognized under the ICCPR, Article 11, and her physical body may not be imprisoned due to her inability to perform on the contractual obligation created by the charges presented.

146. That the ICCPR was ratified by the U.S. Senate on April 2, 1992 (138 *Congressional Record* S4783-84), and came into force in the United States of America on September 8, 1992. Executive Order 13107 of December 10, 1998 (63 *Federal Register* 68991) requires all federal agencies to maintain a current awareness of United States international human rights **obligations** that are relevant to their functions and shall perform such functions so as to **respect and implement those obligations fully**.

147. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of the Chapter 48, 48 Stat. 112, the 73rd Congressional Record, the International Covenant on Civil and Political Rights, the 138 Congressional Record, and Executive Order 13107, 63 Federal Register 68991, and the United Nations Charter, which are not subject to reasonable dispute.

148. That McTigue, Jennifer Ann has additionally undertaken to deliver a NOTICE OF QUITCLAIM AND DEED OF SURRENDER to the Commander in Chief of the Military as evidence of the surrender of the vessel, JENNIFER ANN MCTIGUE for liquidation and settlement of valid charges generating the appropriate receipt, under Post Registry RA433296180US, for remedy of indemnity under the Lieber Code, Article 38 which states:

> "*If the owner has not fled, the **commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity**." [emphasis added]*

149. That I am requesting judicial notice under FRE Rule 201 and Rule 902 of the Attached **Exhibit 11,** a copy of the NOTICE OF QUITCLAIM AND DEED OF SURRENDER.

150. That all United States Courts are referred to as HM courts or "her majesty's" courts, and that Elizabeth Mountbatten, also known by the aliases Elizabeth Windsor and Elizabeth the Second, was never officially crowned, because she was crowned sitting upon a fake Stone of Destiny.

151. That the above facts have been adjudicated and decided by the SOUTHWARK CROWN COURT CASE FILE # T20107746 on May 9-12, 2011 in the Case of Regina v John Anthony Hill by Jury Trial under judge Jeffery Vincent Pegden, establishing that the above facts as Judicial Facts not subject to reasonable dispute.

152. That the use of the words JENNIFER ANN MCTIGUE violates Title 50 § 19 of the Appendix of the Trading with Enemy Act of 1917 when used or registered without a translation of the Word. Title 50 Appendix § 19. JENNIFER ANN MCTIGUE is a Capitonym or Portmanteaum, a form of homograph, which is a word composed of two or more words, with two or more definitions.

153. That the UNITED STATES OF AMERICA, the UNITED STATES, and Foreign Agents Nick Baron, Kenneth M. Sorenson et al, can provide no evidence, and there exist **no evidence before the Court**, that McTigue, Jennifer Ann has any further obligation to perform in this matter.

Further Affiant Sayeth Naught.

Dated: this 28th day of August, 2014

By _____
McTigue, Jennifer Ann
All Rights and Remedies Reserved

NOTARY ACKNOWLEDGMENT

state of Hawaii }
} ss
Diocese of Honolulu, Hawaii }

Subscribed and Sworn to me this 28 day of August, 2014

_____
Notary Public

Brandon Agena
Notary Public, State of Hawaii
My commission expires:
April 7, 2017

My Commission Expires_____

BRANDON AGENA NOTARY PUBLIC Comm. No. 13-104 STATE OF HAWAII

Doc. Date: 28 Aug 14 # Pages: 36
Notary Name: Brandon Agena First Circuit
Doc. Description: Affidavit in support of Omnibus Motion to Dismiss

_____ 28 Aug 14
Notary Signature Date

BRANDON AGENA NOTARY PUBLIC Comm. No. 13-104 STATE OF HAWAII